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U.S. Department of Justice  
Immigration and Naturalization Service

OMB No. 1115-0180

Request for a Hearing on a Decision in Naturalization  
Proceedings Under Section 336 of the ActJul 13/01 002#68926 NASC  
N-336 \$170.00

Decision: <input type="checkbox"/> Grant	Fee:
<input type="checkbox"/> Denial	

1. In the Matter of: (Name of Naturalization Applicant)

Tuan V. Le

File Number:

A-073-281-767

2. I am filing a request for hearing on the decision dated:  
June 15, 2001

3. Please check the one block which applies:

I am **not submitting** a separate brief, statement or evidence.

I am **submitting** a separate brief, statement and/or evidence with this form.

I need 15 days to submit a brief, statement and/or evidence to INS. (May be granted only for good cause shown. Explain in a separate letter.)

4. Person filing request:

Name (Please Type or Print)

Joseph I. McDevitt, Esquire

Address (Street Number and Name)

(Apt. Number)

Suite 400, Four Tower Bridge, 200 Barr Harbor Drive

(City)

(State)

(Zip Code)

West Conshohocken

PA

19428

Signature

Date (Month/Day/Year)

July 13, 2001

I am an attorney or representative and I represent the applicant requesting a hearing on a naturalization proceeding. [You must attach a Notice or Entry or Appearance (Form G-28) if you are an attorney or representative and did not previously submit such a form.]

(Person for whom you are appearing)

Q5. Briefly state the reason(s) for this request for a hearing:  
See attached sheet.

App's address → Per Glasser  
122 Falmouth Way  
Dover, DE 19904  
(302) 730-8942

Tuan V. Le

Date

**#5. Briefly state the reason(s) for his request for a hearing:**

Applicant who has limited English language skills and limited understanding of INS laws was not represented by an attorney in completing form N-400. Applicant was assisted by his 19-year old sister in completing form N-400. Applicant believed he answered question 15(b) of N-400 correctly since he believed that a DUI arrest was a violation of a traffic regulation only and therefore outside of the definition of "arrest" as defined by question 15(b). When asked during his interview, applicant freely admitted his DUI arrest. Applicant is a person of good moral character, not a habitual drunkard and otherwise meets the requirements of U.S. citizenship.

**ATTACHMENT TO REQUEST FOR HEARING ON A DECISION  
NATURALIZATION PROCEEDINGS UNDER SECTION 336 OF THE ACT**

**Request for extension of time to file a brief, statement and/or evidence to INS.**

I, Tuan V. Le do hereby respectfully request the Immigration and Naturalization Service to grant my attorney an additional 15 days in which to submit a brief, statement and/or evidence with regard to my request for a hearing on an adverse decision on my application for naturalization. My attorney was on vacation for approximately two weeks after the date of the issuance of the decision and I was not able to meet with him until July 12, 2001. My attorney did not return to his office until July 9, 2001. Because of his unavailability I was unable to meet with him and discuss with him the necessary statement, brief and/or evidence that I would like to submit along with a request for a hearing.

Therefore, I am requesting a short 15-day extension so that my attorney can properly prepare a statement and/or brief



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Tuan V. Le

## NOTICE OF ENTRY OF APPEARANCE AS ATTORNEY OR REPRESENTATIVE

In re: Application for Naturalization by Tuan V. Le

DATE

July 10, 2001

FILE No.

A-073-281-767

I hereby enter my appearance as attorney for (or representative of), and at the request of, the following named person(s):

NAME	Tuan V. Le			<input type="checkbox"/> Petitioner	<input checked="" type="checkbox"/> Applicant
ADDRESS	(Apt. No.)	(Number & Street)	(City)	(State)	(ZIP Code)
2324 3 South 20th Street			Phila	PA	19145
NAME				<input type="checkbox"/> Petitioner	<input type="checkbox"/> Applicant
ADDRESS	(Apt. No.)	(Number & Street)	(City)	(State)	(ZIP Code)

Check Applicable Item(s) below:

1. I am an attorney and a member in good standing of the bar of the Supreme Court of the United States or of the highest court of the following State, territory, insular possession, or District of Columbia

Pennsylvania      Supreme Court      (Name of Court) and am not under a

court or administrative agency order suspending, enjoining, restraining, disbarring, or otherwise restricting me in practicing law. Volag #: 000989

2. I am an accredited representative of the following named religious, charitable, social service, or similar organization established in the United States and which is so recognized by the Board:

3. I am associated with \_\_\_\_\_ the attorney of record who previously filed a notice of appearance in this case and my appearance is at his request. (If you check this item, also check item 1 or 2 whichever is appropriate.)

4. Others (Explain fully.)

SIGNATURE	COMPLETE ADDRESS Suite 400, Four Tower Bridge 200 Barr Harbor Drive West Conshohocken, PA 19428
NAME (Type or Print)	TELEPHONE NUMBER 610-260-9691

PURSUANT TO THE PRIVACY ACT OF 1974, I HEREBY CONSENT TO THE DISCLOSURE TO THE FOLLOWING NAMED ATTORNEY OR REPRESENTATIVE OF ANY RECORD PERTAINING TO ME WHICH APPEARS IN ANY IMMIGRATION AND NATURALIZATION SERVICE SYSTEM OF RECORDS: Joseph I. McDevitt  
(Name of Attorney or Representative)

THE ABOVE CONSENT TO DISCLOSE IS IN CONNECTION WITH THE FOLLOWING MATTER:

NAME OF PERSON CONSENTING Tuan V. Le	SIGNATURE OF PERSON CONSENTING 	DATE 7/19/01
(NOTE: Execution of this box is required under the Privacy Act of 1974 where the person being represented is a citizen of the United States or an alien lawfully admitted for permanent residence.)		

**JOSEPH I. McDEVITT**

Attorney at Law  
Suite 400, Four Tower Bridge  
200 Barr Harbor Drive  
West Conshohocken, PA 19428-2978

Tel (610) 260-9691  
Fax (610) 260-9693

July 13, 2001

Immigration and Naturalization Service  
1600 Callowhill Street  
Philadelphia, PA 19103

**RE: Request for Hearing on an Unfavorable Decision in Naturalization  
Under Section 336 of the Act**

Dear Sir/Madam:

Please be advised of my representation of Tuan V. Le with regard to his request for a hearing on an unfavorable decision rendered with regard to his Application for Naturalization. Attached please find a form G-28 signed by Mr. Le appointing me his attorney with regard to this matter. Also enclosed please find a photocopy of my attorney identification card as issued by the Pennsylvania Supreme Court and my Pennsylvania Driver's License.

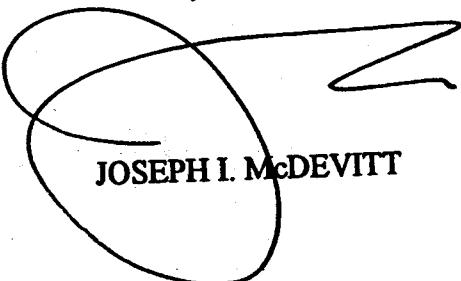
Enclosed please find form N-336 Request for a Hearing on a Decision in Naturalization Proceedings Under Section 336 of the Act with attached Statement. Also enclosed please find a request for a 15-day extension of time for me to file a brief, statement and/or evidence with the INS with regard to this request for a hearing.

Also being presented with this application is a check drawn on my escrow account made payable to the Immigration and Naturalization Service in the amount of \$170.00.

Please advise my office as to when the requested hearing will be scheduled.

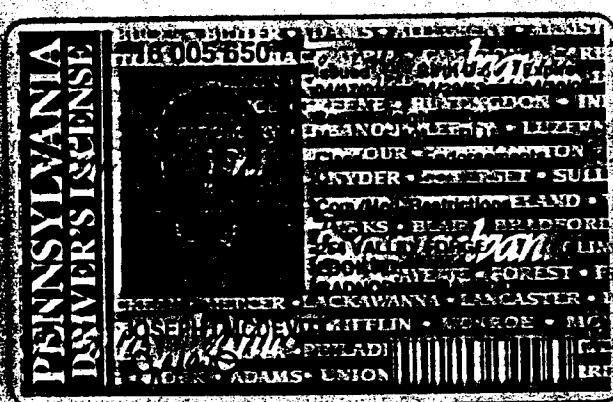
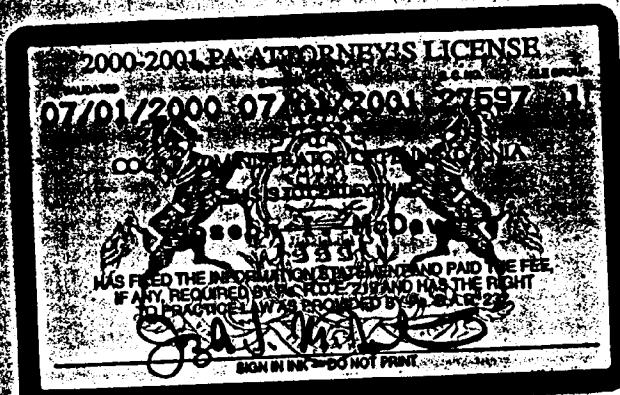
Thank you in advance for your courtesies and attention to this matter.

Sincerely,



JOSEPH I. McDEVITT

JIM/baw  
Enclosure



**AFFIDAVIT**

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF PHILADELPHIA

I, Vy Le, who resides at 2324 South 20<sup>th</sup> Street, Philadelphia, Pennsylvania along with my brother Tuan V. Le, do hereby swear that I assisted my brother in his completion of form N-400: Application for Naturalization. I was the only person who advised my brother with regard to the completion of this form. Although I knew that my brother was arrested on two separate occasions for driving under the influence, I did not believe that those arrests required that he answer yes to question 15(b) of form N-400 since the question excluded traffic regulations. It was my belief that driving under the influence was a traffic regulation, the violation of which did not require a "yes" answer to question 15(b).

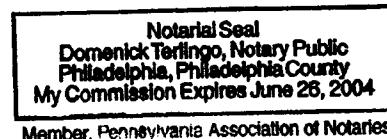
I know that my brother did not knowingly give false testimony with regard to his application for naturalization.

The foregoing statement is true and correct to the best of my knowledge, information and belief. This statement is made subject to the penalties of 18 P.C.S.A Section 4904 relating to unsworn falsification to authorities.

7/30/01  
DATE

SWORN TO AND SUBSCRIBED  
BEFORE ME THIS 30 DAY  
OF July 2001  
*Domenick Terlindo*  
Notary Public

*Vy Le*



**MAIN LINE JANITORIAL SERVICE INC.  
103 Monroe Road, King of Prussia, Pa 19406 Tel (610) 992-9896.**

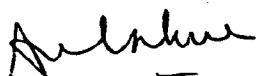
**July 25,2001**

**To Whom It May Concern,**

**I am writing this letter to verify that Tuan Van Le worked for Mainline Janitorial Services Inc from 1995 to 1996. He volunteer quit from the job. Although, when he worked for Main Line Janitorial Services Inc. he was a hard working employee and had good personality.**

**Please contact me with any questions at 610-992-9896 or 610-203-4689.**

**Thank you,**



**Anh Nhue Nguyen  
Manager**

## AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA:

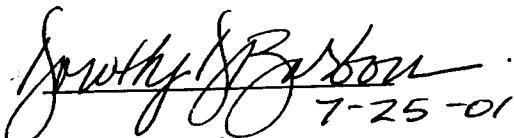
COUNTY OF:

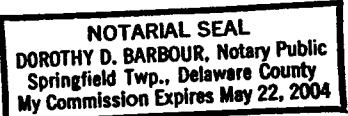
I, Anh Nhue Nguyen, do hereby state that I am a duly appointed manager of Main Line Janitorial Services Inc. and that the attached statement attesting to the good moral character and good work habits of Mr. Tuan V. Le is being submitted as a sworn Affidavit.

7/25/01  
Date

Anh Nhue  
Manager

SWORN TO AND SUBSCRIBED  
BEFOORE ME THIS DAY OF

  
7-25-01  
Notary Public





24 July 2001

To Whom It May Concern:

This letter is verification that Tuan Van Le worked for ENSONIQ (Creative Labs, Malvern) for a period of time from 1998 to 1999. He was laid off from our employ sometime in 1999 due to a slow down in Production.

Although, his personnel files are no longer available, to the best of my knowledge, Tuan was a good working employee and was of good moral character.

Regards,

A handwritten signature in black ink, appearing to read "David Misher".

David Misher  
V.P. Operations

155 great valley parkway, malvern, pa 19355

phone: 610-647-3930 fax: 610-647-8908 [www.creative.com](http://www.creative.com)

**AFFIDAVIT**

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF CHESTER

I, DAVID MISTER, do hereby state that I am a duly appointed officer/supervisor at Ensoniq located at 155 Great Valley Parkway, Malvern, Pennsylvania and that the attached statement attesting to the good moral character and good work habits of Mr. Tuan V. Le is being submitted as a sworn Affidavit.

7/24/00,

DATE

SWORN TO AND SUBSCRIBED  
BEFORE ME THIS 24 DAY JULY  
OF 2001

Theresa M. Carter  
Notary Public

Notarial Seal  
Theresa M. Carter, Notary Public  
Malvern Boro, Chester County  
My Commission Expires Mar. 18, 2004



## *Shalom, Inc.*

1080 N. Delaware Ave.  
Suite 602  
Philadelphia, PA 19125  
215-425-7727  
FAX 215-425-7785

DATE March 24, 2001

DEAR MR. / MS. *Ryan Lee*

THIS IS TO CERTIFY THAT YOU HAVE SUCCESSFULLY  
COMPLETED THE POST CONVICTION ALCOHOL SAFE DRIVING  
SCHOOL AT SHALOM, INC. WE CONGRATULATE YOU ON  
COMPLETING BOTH SCHOLASTIC AND FINANCIAL OBLIGATIONS  
OF THE D.U.I PROGRAM. WE HOPE YOU HAVE FOUND IT  
BENEFICIAL. THIS FULFILLS THE EDUCATIONAL OBLIGATIONS AS  
REQUIRED BY LAW.

*S. Madeline Boyd*  
Director / Shalom

*Jacqueline Dugan / Daniel D. Dugan*  
Instructor

Class # 208A

Dates Mar 10, 17, 24, 2001

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UNITED STATES DEPARTMENT OF JUSTICE  
Immigration and Naturalization Service  
1600 Callowhill Street  
Philadelphia, PA 19130

File: A73 281 767

Date: JUL - 8 2002

Tuan V. Le  
122 Falmouth Way  
Dover, DE 19904

**DECISION**

Reference is made to Form N-336, Request for Hearing on a Decision in Naturalization Proceedings Under Section 336 of the Immigration and Nationality Act (Act), which you filed with the Service on July 13, 2001. That application seeks a review of the decision made on June 15, 2001, denying Form N-400, Application for Naturalization, filed by you on October 03, 2000.

**Section 336 of the Act states in part:**

If, after an examination under Section 335, an application for naturalization is denied, the applicant may request a hearing before an immigration officer.

In the denial dated June 15, 2001, the Service found that pursuant to the investigation and examination of your Application for Naturalization, it was determined that you were ineligible for naturalization because you failed to demonstrate that you are a person of good moral character.

**Section 316(a) of the Act provides:**

No person, except as otherwise provided in this title, shall be naturalized, unless such applicant... (3) during all the periods referred to in this subsection has been and still is a person of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the United States.

**Title 8, Code of Federal Regulations, Part 336.2(b) states in part:**

...the reviewing immigration officer may, in his or her discretion, conduct a full de novo hearing or may utilize a less formal review procedure, as he or she deems reasonable and in the interest of justice.

The Service scheduled you for a naturalization hearing on March 29, 2002. You appeared with your attorney on that date and you were interviewed in relation to Form N-336. Although you presented several letters attesting to your good moral character, you were unable to overcome the derogatory information in your file. A review of your file revealed that you were arrested on two separate occasions during the statutorily prescribed period and charged with driving under the influence each time. The Common Pleas Court of Philadelphia twice adjudged you guilty of driving under the influence and you were sentenced accordingly.

During the naturalization hearing on March 29, 2002, you also provided evidence that you successfully completed your post conviction alcohol safe driving school.

Additionally, a further review of your record revealed that neither charge of driving under the influence was deferred to the Accelerated Rehabilitative Disposition (ARD) Program. However, the seriousness of driving under the influence and the potential danger in which the general public is placed as a result of this offense, prevents you from meeting the requirements of good moral character at this time. Therefore, the denial of your application for naturalization is affirmed.

This decision is made without prejudice toward the filing of a new Application for Naturalization in the future. If you desire a judicial review hearing on this decision you may apply within a period of not more than 120 days after the Service's final determination to the United States District Court having jurisdiction over your residence in accordance with Chapter 7 of Title 5, United States Code.

**Kenneth John Elwood  
District Director  
Philadelphia**

cc: Atty

